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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,805	03/07/2002	Peter Worwag	A91377	3393
7590 01/08/2004				
Gudrun E. Hockett, Ph.D.				
P.O. Box 3187				
Albuquerque, NM 87190-3187				
		EXAMINER		
		COLE, LAURA C		
		ART UNIT		PAPER NUMBER
		1744		

DATE MAILED: 01/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/092,805	WORWAG, PETER	
	<b>Examiner</b>	<b>Art Unit</b>	
	Laura C Cole	1744	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 March 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-8,12,13,17 and 19-21 is/are rejected.
- 7) ☒ Claim(s) 1-25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Objections*

1. Claims 1-25 are objected to because of the following informalities: In Claim 1 the term "height-adjustably" is awkward and unclear. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 8, 19-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Morokutti, USPN 6,463,616.

Morokutti discloses the claimed invention including a housing (12) having a working chamber (the portions that contains the debris) and a drive chamber (5), a first cleaning roller (3) rotatably supported (Column 8 Lines 11-13) and extend transversely to a working direction of the cleaning device (see Figures), a drive (6) arranged in the drive chamber (Column 8 Lines 21-23), at least one second cleaning roller (4) rotatably supported and parallel to the first cleaning roller (Column 8 Lines 1-13), the second cleaning roller rotatingly driven (Column 8 Lines 21-23) about a horizontal axis (40), an adjusting device acting on the first and second rollers (wheels (8) adjust the height of

the cleaning rollers to the surface that is to be cleaned; see Column 9 Lines 41-55), and wherein the first and second cleaning rollers have a mantle surface projecting downwardly past a bottom plate of the housing (see specifically Figure 3). The first and second rollers are adjustable so that they are in the working position (Column 9 Lines 41-55). There is a "change-over" switch being the handle for the adjusting device (Column 4 Lines 61-63). The drive commonly drives the first and second cleaning rollers (Column 8 Lines 21-23). At least one of the rollers is a brush (Column 8 Line 6). The drive is an electric motor (Column 11 Lines 41-42). There is at least one spraying device cooperating with the brush (94; Column 8 Lines 44-48).

3. Claims 1, 2, 19, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Larson et al., USPN 5,515,568

Larson et al. discloses the claimed invention including a housing (see Figure 2, housing in entirety) having a working chamber (two working chambers, each brush being mounted within) and a drive chamber (such as the two chambers in which (18) and (30) are housed, see Figure 2), a first cleaning roller (14) rotatably supported (Column 3 Line 34) and extending transversely to a working direction (see Figures), a drive (30) arranged in the drive chamber (see Figure 2) configured to drive the first cleaning roller (Column 3 Lines 44-45), at least one second cleaning roller (16) supported in the working chamber (see Figures) and extends substantially parallel and adjacent to the first roller (see Figures), the second cleaning roller is rotatably driven (Column 3 Line 34), wherein the first and second rollers have an adjusting device acting upon them (such as the springs or linkages on the chassis, Column 3 Line 55 to Column

4 Line 12), and wherein the rollers have a mantle surface (40) projecting downwardly past a bottom plate of the housing to act on the floor surface (see Figures). The first and second cleaning rollers are adjustable (Column 3 Line 55 to Column 4 Line 12). At least one of the first and second rollers is a cleaning brush (bristles (40)). The drive is an electric motor (Column 3 Lines 36).

4. Claims 1, 2, 5, 8, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Lampe, USPN 3,220,043.

Lampe discloses the claimed invention including a housing (see Figures, especially Figures 3-7) having a working chamber (84) and a drive chamber (26 and 38) are housed, see Figures 3 and 4), a first cleaning roller (52) rotatably supported (Column 2 Lines 33-34) and extending transversely to a working direction (see Figures), a drive (28) arranged in the drive chamber (see Figures 3 and 4) configured to drive the first cleaning roller (Column 2 Lines 38-40), at least one second cleaning roller (54) supported in the working chamber (see Figures) and extends substantially parallel and adjacent to the first roller (see Figures), the second cleaning roller is rotatably driven (Column 2 Lines 33-34), wherein the first and second rollers have an adjusting device acting upon them (Column 4 Line 9 to Column 5 Line 21), and wherein the rollers have a mantle surface (see bristles in Figures) projecting downwardly past a bottom plate (14) of the housing to act on the floor surface (see Figures). The first and second rollers are adjustable (Column 4 Line 9 to Column 5 Line 21). There is a common support arranged in the housing that connects the first and second rollers (Column 2 Lines 20-35). The drive commonly drives the first and second cleaning rollers (Column 2 Lines

38-45). The first and second cleaning rollers is a cleaning brush (see bristles in Figures). The drive is an electric motor (Column 2 Line 17).

5. Claims 1-3, 5-8, and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Harrison, USPN 1,791,812.

Harrison discloses the claimed invention including a housing (see Figures) having a working chamber (7) and a drive chamber (27) are housed, see Figure 1), a first cleaning roller (forward drum (3)) rotatably supported (by (2)) and extending transversely to a working direction (see Figures), a drive (5) arranged in the drive chamber (see Figures) configured to drive the first cleaning roller (see arrangement in Figure 1), at least one second cleaning roller (rearward drum (3)) supported in the working chamber (see Figures) and extends substantially parallel and adjacent to the first roller (see Figures), the second cleaning roller is rotatably driven (see arrangement in Figure 1), wherein the first and second rollers have an adjusting device acting upon them (Page 2 Lines 20-70), and wherein the rollers have a mantle surface (4) projecting downwardly past a bottom plate (1a) of the housing to act on the floor surface (see Figures). The first and second rollers are adjustable (Page 2 Lines 20-70). The adjusting device is a change-over switch (24; Page 2 Lines 32-37). There is a common support arranged in the housing (1a) wherein the rollers are supported (see Figures). The support has a pivot axis (at B) and is pivotable (Page 1 Lines 66-73). The rollers are positioned behind one another in the working direction and the pivot axis of the support is positioned between the horizontal axis of rotation of the rollers (see Figure 1). The drive commonly drives the first and second rollers (see arrangement in Figure 1).

The rollers are cleaning brushes (Page 1 Lines 50-51). The drive is an electric motor (Page 1 Line 53).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 5-7, 12, 13, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sjogreen, US 2001/0042282.

Sjogreen discloses the claimed invention including a housing (14), a first cleaning roller (Figure 1) rotatably supported (by axle (1)) and extending transversely to a working direction (see Figures), at least one second cleaning roller (Figure 2) supported in the working chamber (see Figures) and extends substantially parallel and adjacent to the first roller (see Figures), the second cleaning roller is rotatably driven (by axle(1)), wherein the first and second rollers have an adjusting device acting upon them (Page 2 Paragraph 15), and wherein the rollers have a mantle surface (4 or 6) projecting downwardly past a bottom plate of the housing to act on the floor surface (see Figure 5). The first and second rollers are adjustable (Page 2 Paragraph 15). The device comprises a common support (16) arranged in the housing wherein the rollers are connected by the support, where the support has a pivot axis (10) arranged horizontally and is pivotable, and wherein the rollers are positioned behind one another in a working direction, and wherein the pivot axis is between the first and second cleaning rollers

(see Figure 5). The first and second rollers are comprised of a textile material (Paragraph 15 "cover of gummy materials" and Paragraph 13). The mantle is comprised of several layers (as shown in Figures 1-2). The mantle of one roller is different than the other roller, in that one of the rollers additionally comprises brush bristles (Paragraph 13). Sjogreen discloses in Paragraph 2 that motordriven rotary brushes are known and are expensive. Sjogreen does not disclose a drive means for a first roller.

It would have been obvious for one of ordinary skill in the art for a drive means to be added to the invention of Sjogreen if the funding allowed as a drive means is known and is common in the art.

#### ***Allowable Subject Matter***

7. Claims 4, 9-11, 14-16, 18, and 22-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

USPN 2002/0023666 to Tawara et al. discloses a cleaning device that has two different mantles on rollers that are height adjustable. There is not any drive means included.



USPN 6,550,099 to Worwag discloses a cleaning tool for substituting different types of rollers, but these roller brushes are detachable from the housing and are not height-adjustably arranged.

USPN 5,295,277 to Koenigs et al. discloses a device that has two cleaning rollers, drive means, housing, however a second roller brush is not height-adjustable.

USPN 2,732,573 to Hyland discloses a device having two cleaning brush rollers that are height adjustable hydraulically, however there is no housing mentioned or suggested.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C Cole whose telephone number is (571) 272-1272. The examiner can normally be reached on Monday-Thursday, 7:30am - 5pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Warden can be reached on (571) 272-1281. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1300.

  
LCC

29 December 2003